



## RULES AND REGULATIONS EDITION

In recent years, it became apparent the Board's administrative rules and regulations were long overdue for an overhaul. In 2022, the Board's Working Group on Rules, together with the Executive Director, diligently worked on amending rule sections 440-X-1 and 440-X-2, by repealing and replacing the Board's rules and regulations in their entirety beginning with section 440-X-3.

The next few pages we will highlight the most important changes in each rule section that any constituent of the Board should know:

**440-X-1 Definitions:** The term "licensee" was added to also mean "certification". Additionally, "commercial refrigeration" was added where it was erroneously left out of the rules in 2009.

**440-X-2 Organization and Administrative Procedures of the Board:** The duties of the Board Secretary were clarified and appointment of a Deputy Director were amended.

**440-X-3 Licensing and Fees:** Definitions to key terms in section one. Rules regarding apprenticeship were deleted. Late fees and renewal deadlines were clarified in section two. In section eight clear and concise procedures were added regarding what a contractor or business should do in the event separation occurs, as well as, the procedure in the event a contractor passes away or is incapacitated to the point where an Emergency License could be requested. The person in responsible charge was expanded in section nine to include gas piping and electrical wiring definitions...continued on page 3.

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## ALABAMA BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS

### 2022 BOARD MEMBERS

#### Chairman

Brett Hall, Eva

#### Vice Chairman

Susan Bolt, Opelika

#### Secretary

Wilber Webb, Mobile

#### Board Members

Bret Warren, Albertville

Eddie Harper, Foley

Albert Davis, Birmingham

Joel Owen, Jasper

Misty Forbus, Titus

Barrett Richard, Cullman

Dr. Heshmat Aglan, Tuskegee

Tim Jordan, Mobile

Dink Myers, Albertville

## HVAC-R CONTRACTORS WHO HOLD MASTER GAS OR LP GAS LICENSES MAY BE ELIGIBLE TO RECIPROCATE...

As of October 15, 2022 The Plumbers and Gas Fitters Examining Board and the Liquefied Petroleum Gas Board (LPGB) reached a reciprocal agreement with regards to obtaining a license with either Board. This applies to contractors who hold a Master Gas Fitters Card with the Plumbers and Gas Fitters Board (PGFB) or a Employee Competency Card with a Service Technician (Residential & Commercial) endorsement from the Alabama Liquefied Petroleum Gas Board.

#### PGFB Rule 720-X-4-.05 Reciprocity with Alabama Liquefied Petroleum Gas Board states:

(1) An individual who holds a current Employee Competency Card with a Service Technician (Residential & Commercial) endorsement from the Alabama Liquefied Petroleum Gas Board ("LP Board") may apply for reciprocity from the Board and receive certification as a Master Gas Fitter under the following conditions:

- (a) Applicant must provide proof of U.S. citizenship or, if applicant is an alien, proof of lawful presence;
  - (b) Applicant must provide verification from the LP Board that he or she possesses a current and valid Employment Endorsement Card with a Service Technician (Service & Residential) endorsement;
  - (c) Applicant must provide verification from the LP Board that he or she has possessed and exercised with field application the Employee Endorsement Card for a minimum of three (3) years since acquisition;
  - (d) Applicant must provide verification from the LP Board that he or she is in good standing and has no pending disciplinary actions.
- (2) Upon verification of the application and its contents, administrative approval will be granted and a Master Gas Fitter certificate will be issued to the applicant upon payment of all prescribed fees.
- (3) Any reciprocity application where a negative disciplinary history from the LP Board has been found will be subject to the director's review and approval.

To view more about Plumbers and Gas Fitters rules visit: [www.pgfb.alabama.gov](http://www.pgfb.alabama.gov)

#### LPGB Rule 530-X-2-.18 Reciprocity with Alabama Plumbers & Gas Fitters Examining Board states:

(1) An individual who holds a current Master Gas Fitter card from the Alabama Plumbers & Gas Fitters Examining Board ("Gas Fitters Board") may apply for reciprocity from the Alabama Liquefied Petroleum Gas Board ("LP Gas Board") to obtain an Employee Competency Card with Service Technician (Residential & Commercial) and Legal Compliance endorsements under the following conditions:

- (a) The reciprocity shall only fulfill the written examination requirements of the LP Gas Board as outlined in Alabama Administrative Code 530-X-2-.11 Employee Competency Requirements to obtain an Employee Competency Card with Service Technician (Residential & Commercial) and Legal Compliance endorsements.
  - (b) Master Gas Fitters seeking to take advantage of this reciprocal agreement must either be already employed by an existing Class A, B-1, or C permit holder with the LP Gas Board, or they must obtain a Class C permit from the LP Gas Board in conjunction with the Employee Competency Card. All application requirements as detailed in the Alabama Administrative Code must be completed.
- (2) Applicants must provide copies of their Master Gas Fitter card for verification that it is current and in good standing with the Gas Fitters Board. (3) The LP Gas Board reserves the right to refuse reciprocity to any applicant with a negative disciplinary history as documented by the Gas Fitters Board.

To view more about the LP Gas Board's Rules visit: [www.lpgb.alabama.gov](http://www.lpgb.alabama.gov)

# RULES AND REGULATIONS

## EDITION CONTINUED

440-X-3—Licensing and Fees Continued: In section eleven the online process for modifying a license, such as changing a business name or address, was added, and finally in section sixteen the benefits to service members and government spouses was further expanded.

440-X-4—Education Program and Continuing Education for Certified Contractors: Section one was updated to outline key terms throughout the remainder of the rule section. The general rules for obtaining continuing education are outlined in section two as well as the process for CE deficiency in section three. Sections four through seven outline the Board’s Education Committee and the standards upon which that committee approves or denies prelicensure curricula and continuing education providers, courses, and instructors. For those on the verge of retirement, that wish to keep your license inactive, the rules for the 65 year old CE exemption is outlined in section nine.

440-X-5—Minimum Standards for Installation, Service, or Repair of Heating and Air Conditioning or Refrigeration Systems by Certified Contractors: Not much was changed in this section. Definitions were added to section one to outline key terms used throughout the remainder of the section. SMACNA and NAIMA references were updated in section two regarding residential and commercial HVAC installation. Additionally specific rules were added to section two pertaining to brand specific installation instructions. Section seven explains the Board’s rules regarding the display of business name and license numbers on vehicle and all advertising.

440-X-6—Disciplinary Action and Compliance Proceedings: This section was the first section repealed and replaced by the Board and became effective on March 31, 2022. We urge every contractor to review this new section regarding the consumer complaint process, Board investigations into the conduct of its licensees, formal and informal disciplinary actions, and how the Board makes its decisions regarding the outcome of an investigation or administrative hearing.

To view the entire section of the Alabama Administrative Code referencing the Board’s Rules and Regulations, please visit the Board’s website which has a direct link to the Code at:

<http://www.alabamaadministrativecode.state.al.us/docs/htair/index.html>

With the exception of sections 440-X-4 Education...and 440-X-6 Disciplinary Action...the rules updated above will become effective on March 31, 2023. Additionally, the Board will provide a .pdf copy for download under the forms section of our website after March 31st.

### BOARD STAFF

#### Executive Director

**Jeffrey M. Becraft**

#### Compliance Officers

**Waylon Spivey**

Compliance Supervisor

**Greg Nuby**

Compliance Officer

**Brandon Johnson**

Compliance Officer

**Mike Smith**

Compliance Officer

#### Legal Staff

**Ellen Leonard**

Attorney

**Jennifer Hargrove**

Legal and Compliance  
Assistant

#### Education Staff

**Glenn Nuby**

Education Administrator

**Amber Moncrief**

Assistant Education  
Administrator

#### Administrative Staff

**Amy Mashburn**

Executive Secretary

**Nelda Claybrook**

Accountant

**Kelly Brendle**

Accountant

**Crystal Johnson**

Accounting Assistant

# GENERAL CONTRACTOR AND LIQUEFIED PETROLEUM LICENSING REQUIRED FOR HVAC CONTRACTORS

The Alabama Board for General Contractors' law requires that any HACR contractor performing a job over \$50,000 hold a subcontractor or prime contractor license issued by the General Contractors Board. If you have any questions about this requirements please contact the Heating, Air Conditioning and Refrigeration Board at (866) 855-1912 or the General Contractors Board at 800-356-6361 or online at: [www.genconbd.alabama.gov](http://www.genconbd.alabama.gov) .

The Alabama Liquefied Petroleum Gas Board law requires that any HACR contractor involved in the installation, service or repair of a gas furnace connected to liquefied petroleum (LP) gas hold the appropriate certification with their agency. If you have any questions about LP Gas requirement please contact the Heating, Air Conditioning and Refrigeration Board at 866- 855-1912, LP Gas Board at 800-545-9246, or online at: [www.lpgb.alabama.gov](http://www.lpgb.alabama.gov)

## UPDATING CONTRACTOR FILES

The Board is currently auditing all contractor files housed in the office before they are turned over for digital scanning. While auditing these paper files, members of the staff are manually entering any and all exam scores a contractor received while sitting for their contractors exam into the appropriate online contractor file.

Some HVAC contractors licensed between 1978 and 1993, and refrigeration contractors licensed between 2009 and 2011 were grandfathered , therefore there is no exam score entered into those online profiles. If you login and feel that you have taken an examination and no score is shown, please contact the Board after February 1, 2023 to ask that we research your licensing file for this information.

Additionally, we urge all contractors to login to their online profile at [www.hacr.alabama.gov/licensees/](http://www.hacr.alabama.gov/licensees/) to review all of the information displayed. From the profile a contractor can now change their status, change business names, and change demographics, such as address, phone number, and email addresses.

If you do not remember your login contact the Board at [staff@hacr.alabama.gov](mailto:staff@hacr.alabama.gov) to get your login information or reset your profile.

## CLASSROOM ASSISTANCE BY THE ALABAMA HOME BUILDERS FOUNDATION

In 2013 legislation was passed that allowed the transfer of any funds exceeding 25% of the Board's budget at the end of each fiscal year to the Alabama Home Builders Foundation, a 504(c)(3) non-profit organization. The funds transferred to the Foundation are to be used exclusively for classroom training tools at educational facilities that provide heating, air conditioning and/or refrigeration curricula.

To date the Board has transferred in excess of \$51,000.00 to the foundation and will assisted the Foundation in distributing grants to educational facilities for the 2023 school year.

The two facilities that were awarded grants for the 2022-2023 school year were:

Elmore County Technical Center led by Alan Meadows—\$1,000.00

Riverchase Career Connection Center led by Rex Hare—\$1,000.00

If you are the administrator or instructor for a heating, air conditioning and/or refrigeration curriculum in the State of Alabama and need assistance with training tools or supplies, we encourage you to apply by May 1, 2023, for the chance to obtain assistance by grant. To learn more about the Foundation visit: <https://ahbfoundation.org/>.

If you would like to donate as an individual to the Foundation or the HVAC Education fund, you can do so by filling out the attached application and returning it to [staff@hacr.alabama.gov](mailto:staff@hacr.alabama.gov).

## 2022 COMPLIANCE IN ACTION

### UNLICENSED CONTRACTOR COMPLIANCE

Frank Orsini  
Jimmy Newton  
Hunter Finley  
Kevin Hicks

### UNLICENSED CONTRACTORS NON-COMPLIANCE

Destre Ladner  
Derrek Edwards  
Donnie Wayne  
Hurst  
Daryl Compton

### WARRANTS

Kenneth Hale  
Raymond Johnson  
Chadrick Setchell  
Raymond Johnson  
Hunter Finley (2)

### LICENSE REVOCATIONS

Elijah Blanchard

### SUSPENSIONS

Marty Gilley (60 Days)

### PUBLIC REPRIMAND

Zack Norris

To view a quarterly report of the Board's disciplinary actions visit:

<https://hacr.alabama.gov/disciplinary-actions/>

## Disciplinary Action Taken Against Contractors

Disciplinary action will be taken against contractors where work performed violates minimum standards set by the Board, as well as against those contractors who fail to comply with the Board's rules and regulations in such matters as displaying their numbers on their service or work vehicles and loaning their license to unlicensed contractors. Discipline can be in the form of a letter of reprimand, a monetary fine, additional continuation education hours, suspension or revocation of their license.

A complete investigation is conducted by the Board's investigators in each instance where suspicion of misconduct is presented. Once the investigation is finalized a report is submitted to the Board's Investigative Committee.

Findings of the investigation will be carefully reviewed, and the Committee will determine what, if any, disciplinary action shall be taken. Code violations or non-compliance with Board rule and regulations will result in disciplinary action.

The Board's disciplinary authority was put into effect when the Board was created in 1982, however, the disciplinary regulations have been revised. These revisions became effective on March 31, 2022.

All disciplinary action taken against any certified contractor is posted on the Board's website for public viewing beginning with cases from January 2020.

## 2023 Board Officers

At the November 16, 2022 meeting, the following Board members were elected to seats outlined below:

Susan Bolt - Chairman of the Board. Mrs. Bolt is from Opelika, Alabama, the owner of Paragon Industrial, LLP, and has been a member of the Board since 2017.

Wilber Webb - Vice Chairman. Mr. Webb is from Mobile, Alabama, the owner of Webb's Heating & Air Conditioning and has been a member of the Board since 2017.

Tim Jordan - Secretary. Mr. Jordan is also from Mobile, Alabama, the owner of Hurricane Force Air, the Chief Mechanical Inspector for Mobile County and has been a Board member since 2020.

## Thank you Contractors

The Board appreciates the hard working licensed contractors who are determined to deliver quality services to Alabama's consumers. These contractors spend a great deal of time and money to maintain their certifications while those who are unscrupulous, with no certifications, take away business from ethical contractors while doing substandard work and quoting lower prices. The Board often receives calls from certified contractors who are discouraged by the continued presence of uncertified contractors. The Board's investigators attempt to find as many of these uncertified contractors as possible, however, when you see or know of a possible uncertified contractor working in your area, please notify the Board in order for our investigators to check on the validity of these contractors. The Board takes proactive action against uncertified contractors, which includes issuing cease and desist orders, levying fines and obtaining warrants for their arrest, in an effort to stop such illegal activity. The Board is appreciative of the supply houses that post bulletins warning illegal contractors of the consequences of working without a license. The Board is committed to supporting certified contractors and make every effort to protect the reputation of the contractors that strive to follow the rules and regulations of the heating, air conditioning and commercial refrigeration industry.

## 2023 Meeting Dates

Wednesday, February 15, 2023, at the Board Office in Montgomery at 11:00 a.m.

Thursday, May 10, 2023, location to be determined at 11:00 a.m.

Wednesday, August 9, 2023, at the Board Office in Montgomery at 11:00 a.m.

Wednesday, November 15, 2023, at the Board Office in Montgomery at 11:00 a.m.

Meetings are open to the public. A request to speak must be submitted to the Board at least 14 business days prior to the meeting in order to be put on the agenda.